



General Assembly

January Session, 2007

Amendment

LCO No. 9306

HB0695609306HDO

Offered by:

REP. RYAN, 139th Dist.
REP. OLSON, 46th Dist.
REP. BERGER, 73rd Dist.
REP. MCCLUSKEY, 20th Dist.
REP. SHAPIRO, 144th Dist.
REP. BUTLER, 72nd Dist.
REP. HEWETT, 39th Dist.
REP. HENNESSY, 127th Dist.
REP. THOMPSON, 13th Dist.
REP. CARUSO, 126th Dist.
REP. DARGAN, 115th Dist.
REP. CHRISTIANO, 134th Dist.
REP. BARRY, 12th Dist.

REP. ORANGE, 48th Dist.
REP. GENTILE, 104th Dist.
REP. BARTLETT, 2nd Dist.
REP. GODFREY, 110th Dist.
REP. NAFIS, 27th Dist.
REP. STONE, 9th Dist.
REP. MAZUREK, 80th Dist.
REP. SERRA, 33rd Dist.
REP. O'BRIEN, 24th Dist.
REP. CHRIST, 11th Dist.
REP. MORIN, 28th Dist.
REP. ARESIMOWICZ, 30th Dist.

To: Subst. House Bill No. 6956

File No. 865

Cal. No. 96

**"AN ACT CONCERNING WORKERS' COMPENSATION
COVERAGE FOR FIREFIGHTERS, POLICE OFFICERS AND
EMERGENCY RESCUE WORKERS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2007*) (a) As used in this
4 section:

5 (1) "Body fluids" means blood and body fluids containing visible
6 blood and other body fluids to which universal precautions for
7 prevention of occupational transmission of blood-borne pathogens, as
8 established by the National Centers for Disease Control, apply. For
9 purposes of potential transmission of meningococcal meningitis or
10 tuberculosis, the term "body fluids" includes respiratory, salivary and
11 sinus fluids, including droplets, sputum and saliva, mucous and other
12 fluids through which infectious airborne organisms can be transmitted
13 between persons.

14 (2) "Emergency rescue worker" means a local emergency medical
15 technician, medical response technician, paramedic, ambulance driver
16 or active member of an organization certified as a volunteer ambulance
17 service in accordance with section 19a-180 of the general statutes who,
18 in the course of employment, runs a high risk of occupational exposure
19 to hepatitis, meningococcal meningitis or tuberculosis.

20 (3) "Police officer or firefighter" means a local or state police officer,
21 a state or local firefighter or an active member of a volunteer fire
22 company or fire department engaged in volunteer duties who, in the
23 course of employment, runs a high risk of occupational exposure to
24 hepatitis, meningococcal meningitis or tuberculosis.

25 (4) "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A,
26 hepatitis non-B, hepatitis C or any other strain of hepatitis generally
27 recognized by the medical community.

28 (5) "High risk of occupational exposure" means a risk for which an
29 exposure report is filed and that is incurred because a person subject to
30 the provisions of this section, in performing the basic duties associated
31 with such person's employment:

32 (A) Provides emergency medical treatment in a non-health-care
33 setting where there is a potential for transfer of body fluids between
34 persons;

35 (B) At the site of an accident, fire or other rescue or public safety

36 operation, or in an emergency rescue or public safety vehicle, handles
37 body fluids in or out of containers or works with or otherwise handles
38 needles or other sharp instruments exposed to body fluids; or

39 (C) Engages in the pursuit, apprehension or arrest of law violators
40 or suspected law violators and, in performing such duties, may be
41 exposed to body fluids.

42 (6) "Occupational exposure", in the case of hepatitis, meningococcal
43 meningitis or tuberculosis, means an exposure that occurs during the
44 performance of job duties that may place a worker at risk of infection.

45 (b) Any police officer, firefighter or emergency rescue worker who
46 suffers a condition or impairment of health that is caused by hepatitis,
47 meningococcal meningitis or tuberculosis that (1) requires medical
48 treatment, (2) results in total or partial incapacity or death, and (3) has
49 an exposure report on file shall be presumed to have sustained such
50 condition or impairment of health in the course of employment and
51 shall be entitled to receive workers' compensation benefits pursuant to
52 chapter 568 of the general statutes, provided:

53 (1) The police officer, firefighter or emergency rescue worker
54 completed a physical examination, including a tuberculosis skin test,
55 on entry into police, fire or emergency rescue service that failed to
56 reveal any evidence of such condition or impairment of health. Such
57 physical examination shall be completed at least once every two years.

58 (2) The police officer, firefighter or emergency rescue worker
59 presents a written affidavit verifying by written declaration that, to the
60 best of his or her knowledge and belief:

61 (A) In the case of meningococcal meningitis, in the ten days
62 immediately preceding diagnosis, the police officer, firefighter or
63 emergency rescue worker was not exposed, outside the scope of
64 employment, to any person known by the police officer, firefighter or
65 emergency rescue worker to have meningococcal meningitis or known
66 to be an asymptomatic carrier of the disease.

67 (B) In the case of tuberculosis, in the period of time since the police
68 officer's, firefighter's or emergency rescue worker's last negative
69 tuberculosis skin test, he or she has not been exposed, outside the
70 scope of employment, to any person known by the police officer,
71 firefighter or emergency rescue worker to have tuberculosis.

72 (c) A police officer, firefighter or emergency rescue worker shall file
73 an exposure report with his or her employer of each instance of a high
74 risk of occupational exposure. Each employer, employee or bargaining
75 unit shall maintain a copy of such exposure report.

76 Sec. 2. Section 7-433c of the general statutes is repealed and the
77 following is substituted in lieu thereof (*Effective October 1, 2007*):

78 (a) Notwithstanding any provision of chapter 568 or any other
79 general statute, charter, special act or ordinance, [to the contrary,] in
80 the event a uniformed member of a paid municipal fire department or
81 a regular member of a paid municipal police department who (1)
82 began such employment prior to July 1, 1996, and (2) successfully
83 passed a physical examination on entry into such service, which
84 examination failed to reveal any evidence of hypertension or heart
85 disease, suffers either off duty or on duty any condition or impairment
86 of health caused by hypertension or heart disease resulting in [his
87 death or his] such member's death or temporary or permanent, total or
88 partial disability, [he or his] such member or such member's
89 dependents, as the case may be, shall receive from [his] such member's
90 municipal employer compensation and medical care in the same
91 amount and the same manner as that provided under chapter 568 if
92 such death or disability was caused by a personal injury which arose
93 out of and in the course of [his] such member's employment and was
94 suffered in the line of duty and within the scope of [his] such member's
95 employment, and from the municipal or state retirement system under
96 which [he] such member is covered, [he or his] such member or such
97 member's dependents, as the case may be, shall receive the same
98 retirement or survivor benefits which would be paid under said
99 system if such death or disability was caused by a personal injury

100 which arose out of and in the course of [his] such member's
101 employment, and was suffered in the line of duty and within the scope
102 of [his] such member's employment. If successful passage of such a
103 physical examination was, at the time of [his] employment, required as
104 a condition for such employment, no proof or record of such
105 examination shall be required as evidence in the maintenance of a
106 claim under this section or under such municipal or state retirement
107 systems. The benefits provided by this section shall be in lieu of any
108 other benefits which such [policeman or fireman or his] member or
109 such member's dependents may be entitled to receive from [his] such
110 member's municipal employer under the provisions of chapter 568 or
111 the municipal or state retirement system under which [he] such
112 member is covered, except as provided by this section, as a result of
113 any condition or impairment of health caused by hypertension or heart
114 disease resulting in [his death or his] such member's death or
115 temporary or permanent, total or partial disability. As used in this
116 section, the term "municipal employer" shall have the same meaning
117 and shall be defined as said term is defined in section 7-467.

118 [(b) Notwithstanding the provisions of subsection (a) of this section,
119 those persons who began employment on or after July 1, 1996, shall not
120 be eligible for any benefits pursuant to this section.]

121 (b) (1) As used in this subsection, "on duty" means:

122 (A) For a uniformed member of a paid municipal fire department,
123 (i) responding to, at the scene of or returning from alarms, (ii)
124 responding to, at the scene of or returning from calls for mutual aid
125 assistance, (iii) at drills or training, or (iv) performing fire
126 investigations; and

127 (B) For a regular member of a paid municipal police department, (i)
128 making an arrest, (ii) responding to a call for service from the public,
129 or (iii) responding to an emergency or code.

130 (2) For the purpose of adjudication of claims for the payment of
131 benefits under the provisions of chapter 568 to a uniformed member of

132 a paid municipal fire department or a regular member of a paid
 133 municipal police department who began such employment on or after
 134 July 1, 1996, any heart or circulatory malfunction occurring to such
 135 member while such member is on duty and acting within the scope of
 136 his employment for such member's municipal employer that results in
 137 death or temporary or permanent total or partial disability shall be
 138 presumed to have been suffered in the line of duty and within the
 139 scope of such member's employment. Such presumption shall be
 140 available only if all physical examinations completed by the member
 141 after entry into such employment failed to reveal any evidence of heart
 142 or circulatory malfunction. Such physical examinations shall be
 143 completed at least once every two years and shall be documented by
 144 an affidavit, signed by the physician, certifying whether such member
 145 exhibits evidence of any conditions that would tend to impair the
 146 health of such member. "Conditions that would tend to impair the
 147 health" shall include, but not be limited to, alcohol abuse or tobacco
 148 use, hypertension or a high cholesterol level."

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2007	New section
Sec. 2	October 1, 2007	7-433c